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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,218	06/01/2006	Erik Houbolt	NL03 1455 US1	1649

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

NOTIFICATION DATE	DELIVERY MODE
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11/25/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/581,218

Applicant(s)

HOUBOLT ET AL.

Examiner

Jason Daniel Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,10-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,10-16,19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

It is noted that claim 17 had a status of cancelled in the previous amendment however claim 17 is listed again in the current amendment as previously presented. Claim 17 will not be examined on the merits and will need to be listed as cancelled in any amendment responses.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10-12, 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 12 and 19, the phrase “a rotational speed resulting from the first speed” is unclear. In the preamble of both claims 1 and 19, the portion of the preamble “for cutting hairs while moving with a first speed in a cutting direction” is an indefinite intended use. The first speed is not positively claimed and is indefinite. Basically, the first speed could be any speed chosen by a particular user. Since the speed would be different in every use, the speed is indefinite. Applicant is attempting to further define the rotational speed of the apparatus with an unclaimed indefinite speed. Since the speed of the intended use is indefinite, any limitation being defined by this intended use is also indefinite. Applicant cannot further define the shaving head with structures and speeds not comprised by the shaving head.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, 10-16, 19 and 22 are rejected (claims 10-12 and 19 as best understood) under 35 U.S.C. 103(a) as being unpatentable over Avidor (5,933,960) in view of Andrews (6,434,828) and Zucker (6,442,8400) further in view of Apprille, Jr. (5,661,907).

With regards to claims 1 and 19, Avidor discloses the invention including a shaving head having a body for cutting hair while being moved in a cutting direction (100), one or more cutting blades attached to a middle portion of the body and each having a corresponding cutting edge (Fig. 16), a device being attached to the body behind the cutting blades relative to a cutting direction (122), a guard arranged in front of the cutting blade relative to the cutting direction (104), and a handle attached to the body at a location of a pivot axis for enabling a user to exert pressure on the body (Fig. 17).

With regards to claims 4-6, Avidor discloses the guard capable of performing a hair erecting/lubrication function (104) and the guard comprises at least one strip arranged parallel to the cutting blade (104).

With regards to claims 10, 11 and 19, Avidor discloses the device has at least one roller (122) and wherein a direction of rotation of the roller when active corresponds to the cutting direction (122).

With regards to claims 12 and 19, Avidor discloses a motor (101) coupled to the device for increasing the rotational speed (column 10 lines 20-23, the user could move the head at a speed slower than the rotational speed of 122).

With regards to claims 13-16, Avidor discloses a motor (101) coupled to the device for driving the roller in the cutting direction (column 10 lines 20-23), the motor is attached with the shaving head/handle (column 10 lines 20-23 and Fig. 13), and a coupling for coupling the device to the motor (column 10 lines 20-23).

However, with regards to claims 1, 10, 11, 13, and 16, Avidor fails to disclose the device is a skin stretching device.

Andrew teaches it is old and well known in the art of shaving devices to incorporate a skin stretching device having a front guard and a rear guard (column 3 lines 16-21). Zucker teaches it is old and well known in the art of shaving devices to incorporate 2 rollers that cooperate to stretch the skin (Column 5 lines 14-28). Therefore, it is well within ones technical grasp to have substituted roller 122 with a roller that would cooperate with guard 104 to stretch the skin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have replaced the roller of Avidor with a skin stretching roller, as taught by Zucker, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, as written above, Avidor discloses a force is distributed to the device and the guard but fails to disclose the force is distributed equally, therefore, Avidor in view of Andrews and Zucker fail to disclose the force is distributed equally to the stretching device and the guard.

Apprille Jr. teaches it is old and well known in the art of pivoting razor heads to balance out the force distribution based on the position of the pivot axis (column 2 lines 32-36 and column 7 lines 48-65). In light of Apprille Jr., it would have been well within one technical grasp to have balance out any two working portions designed to interact with the skin. In other words, it would have been obvious in Avidor in view of Andrews and Zucker to have moved the pivot axis 132 to a spot on the back of the razor to allow the forces to distribute equally to 104 and 122. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have distributed forces equally to the stretching device and the guard, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Therefore, it would have been an obvious matter of design choice to modify the device of Avidor in view of Andrews and Zucker to obtain the invention as specified in claim 1. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avidor in view of Andrews and Zucker further in view of Apprille, Jr. as applied to claim 1 above, and further in view of Iderosa (5,038,472). Avidor in view of Andrews and Zucker further in view of Apprille, Jr. disclose the invention but fail to disclose at least one spring element for attaching the handle to the location.

Iderosa teaches it is old and well known in the art of handle razor head connections to incorporate at least one spring element for attaching the handle to the location (20). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Avidor in view of Andrews and Zucker further in view of Apprille, Jr. with the spring element, as taught by Iderosa, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Response to Arguments

6. Applicant's arguments filed 02 November 2011 have been fully considered but they are not persuasive. The examiner's position remains the same.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

18 November 2011
/Jason Daniel Prone/ Primary Examiner, Art Unit 3724